



State of Nevada  
Division of Environmental Protection

## Bureau of Air Pollution Control

### **Actual Production/Emissions Reporting and Annual Fiscal Year Invoice Deadlines**

As a source subject to the provisions of NAC445B.287 "Operating permits: General requirements; exceptions; restrictions on transfers", there are two very important compliance deadlines essential to maintaining your air quality operating permit.

#### **Actual Production/Emissions Reporting Form: Submission Deadline - March 1**

Throughout the life of your permit, you will annually receive an *Actual Production/Emissions Reporting Form* by the end of January. You must submit your completed report to the Nevada Division of Environmental Protection, Bureau of Air Pollution Control (NDEP/BAPC) by March 1. A fact sheet entitled [How to Complete the Actual Production/Emissions Reporting Form](#) is available to assist you in this effort. In addition, you may contact Patrick A. Anderson at the NDEP directly for technical assistance at 775-687-9351. This information is important to a wide array of issues including air quality planning, emissions modeling and economic development. It also provides a basis for assessing annual fiscal year fees as detailed in the next section.

#### **Annual Fiscal Year Invoice: Payment Deadline – June 30**

Throughout the life of your permit, you will annually receive a *Fiscal Year Invoice* by the end of May. You must submit the appropriate fee as detailed in your invoice by July 1. Prompt payment of this fee is a condition of retaining your company's air quality operating permit for the upcoming fiscal year (July 1 through June 30) period. Failure to pay your fiscal year fees may result in your facilities air quality operating permit being terminated and as a source subject to the provisions of NAC445B.287, you may not operate without a valid air quality operating permit.

**Maintenance Fee:** Your company's annual invoice for the upcoming fiscal year has two primary components, a maintenance fee and an emissions fee. The maintenance fee portion of your invoice is an annual fee assessed on a fiscal year basis and is calculated based upon your facility's potential to emit (PTE) as defined in your facility's current air quality operating permit. It is calculated on the following basis. For any single regulated air pollutant:

- Emissions less than 25 tons, the maintenance fee is \$250.00;
- Emissions greater than or equal to 25 tons but less than 50 tons, the maintenance fee is \$1,000.00;
- Emissions greater than or equal to 50 tons but less than 100 tons, the maintenance fee is \$3,000.00.

It is important to note that the maintenance fee is not based on the cumulative PTE of all regulated pollutants. It is a fixed cost based on the emission limits contained within the permit for the single largest pollutant

emitted at the facility. Reducing a regulated pollutants PTE is the principle mechanism available to a source for reducing its' annual fees. As a source, you need to continually review your permit and determine if your permit limits are outdated or unnecessarily high. In the interest of creating flexibility for your operation, you may have established emission limits that are economically unrealistic, thereby inflating your maintenance fee based on production levels that will never be reached. If so, then you may want to consider modifying your permit to a more realistic level.

A word of caution when considering this approach, if you are located in a rapidly developing industrial area, there may be modeling impacts that could hinder your ability to come back at a later date and request increased emission limits. Therefore, it could be in your best interest to maintain higher permitted emission limits to allow for future growth of your facility. The trade off is the payment of higher maintenance fees annually over the life of the permit.

**Emissions Fee:** The emissions fee component of your invoice is a function of operational throughputs and is, therefore, a variable cost based on production levels. The emissions fee portion is based on historical emissions from the last full calendar year of operations for your facility. The NDEP/BAPC uses these historical emissions to forecast potential future emissions, multiplying reported emissions by \$5.60 a ton to determine the fee.

These fees have been determined based upon the provisions established in the Nevada Administrative Code (NAC) 445B.327 "Fees; late penalty" and the information you provide in your *Actual Production/Emissions Reporting Form*. Payment of the full invoice amount is due on or before June 30, annually. An additional 25% late penalty will be assessed for all annual fees not paid within 30 days of the due date. Again, failure to pay your annual fiscal year fees may result in the termination of your air quality operating permit. The following table summarizes the important dates you need to be aware of:

<b>Actual Production/Emissions Reporting Form and Annual Fiscal Year Invoice Deadlines</b>		
<b>Report/Correspondence</b>	<b>NDEP/BAPC Issuance Deadline</b>	<b>Source Response Deadline</b>
Actual Production/Emissions Reporting Form	January 31	March 1
Fiscal Year Invoice	May 30	June 30
Revised Fiscal Year Invoice w/25% late penalty	August 5	August 31
30 Day Notice of Intent to Terminate Permit	September 15	October 15
Termination of Permit w/10 day Appeal Window	October 21	October 31